

Bureau of Waste Management
Curtis State Office Building
1000 SW Jackson, Suite 320
Topeka, KS 66612-1366



phone: 785-296-1600
fax: 785-296-8909
email: bwmweb@kdheks.gov
www.kdheks.gov/waste

Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 1, 2012

Brian Key
Clean Harbors Kansas, LLC
2549 North New York Avenue
Wichita, Kansas 67219

Certified Mail: 7002 0860 0000 2215 6892

Re: Notification of Proposed Administrative Order
EPA Identification Number: KSD 007 246 846

Dear Mr. Key:

On December 14, 2011, a hazardous waste compliance inspection was conducted by a representative of the Kansas Department of Health and Environment (KDHE) to determine compliance with state hazardous waste statutes and regulations at Clean Harbors Kansas, LLC (facility). The facility, located at 2549 North New York Avenue, Wichita was classified as a Large Quantity Generator (LQG) at the time of the inspection. The facility is a permitted treatment, storage, and disposal facility (TSDF).

As a result of the compliance inspection, the following violation of Kansas Statutes Annotated (K.S.A.) was cited.

1. Unlawful acts - failure to comply with any condition of any permit in violation of K.S.A. 65-3441(a)(3) [Leaking roof in Buildings C and I. Section D-2a of the permit].

This violation is a serious violation of the state hazardous waste statutes. Because of this violation, an administrative order will be drafted to assess Clean Harbors Kansas, LLC a penalty in the amount of \$5,000.

How you proceed with this notice of a forthcoming penalty is at your discretion. However, KDHE is offering the following options for your consideration.

1. Enter into a consent agreement with KDHE agreeing to pay the calculated penalty amount without the issuance of an administrative order and with a waiver of the Kansas Administrative Procedure Act (see K.S.A. 77-501 et seq.) and its appeal rights; or
2. KDHE issuance of an administrative order with a hearing procedure pursuant to the Kansas Administrative Procedure Act and its appeal rights.

At this time you are under no legal obligation to take action; however, we are requesting that you meet with us to discuss this matter. If you do **not** notify us by the date shown below, we will proceed with issuing the administrative order as described in paragraph 2 above.

Please call me at (785) 296-1604 by **March 15, 2012** to set up a meeting.

Sincerely,

Rebecca Wenner
Compliance and Enforcement Unit Chief
Bureau of Waste Management



31507
16

Enclosure

e: Jim Rudeen, BWM; Stephanie Fackrell, BWM; Mostafa Kamal, BWM; Allison Herring, SCDO